

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

ROBERT KAHRE,	)	CASE NO. 2:07-CV-00231-DAE-RJJ
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
J. GREGORY DAMM, et al.,	)	
	)	
Defendants.	)	
_____	)	

ORDER DENYING PLAINTIFF'S EMERGENCY NOTICE  
AND MOTION FOR A TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY AND PERMANENT INJUNCTION AGAINST  
DEFENDANT J. GREGORY DAMM AND VINDICTIVE PROSECUTION  
OF SECOND SUPERSEDING INDICTMENTS IN  
CRIMINAL CASE NOS. CR-S-05-0120-RCJ-RJJ AND CR-S-05-0121-RCJ-RJJ

Pursuant to Nevada Local Rule 78-2, the Court finds this matter suitable for disposition without a hearing. After reviewing Plaintiff's motion and supporting memorandum, this Court DENIES Plaintiff's motion for temporary restraining order and preliminary and permanent injunction against Defendant Damm and the prosecution of two criminal cases.

Plaintiff claims that Assistant United States Attorney J. Gregory Damm has maliciously brought two criminal actions against him, criminal case numbers 05-120 and 05-121. Plaintiff requests that this Court enjoin those two criminal proceedings and enjoin Damm.

The law is well settled that a court of equity will not enjoin a pending criminal prosecution. As stated by the Ninth Circuit,

[t]he rule that equity jurisdiction does not extend to enjoining pending criminal prosecutions, has no exceptions. No extraordinary circumstances will serve to create such jurisdiction.

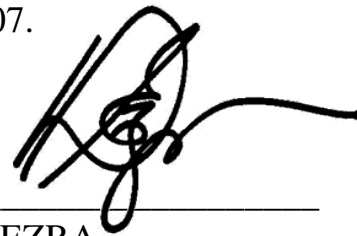
That equity will stay its hand in respect to criminal proceedings, always when they are pending, and ordinarily when they are threatened, is a rule of wide and general application under our legal system.

Ackerman v. Int'l Longshoremen's & Warehousemen's Union, 187 F.2d 860, 868 (9th Cir. 1951) (also noting that federal courts apply the same rule when asked to enjoin criminal proceedings in the federal courts).

For the reasons stated above, this Court DENIES Plaintiff's motion.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 27, 2007.

A handwritten signature in black ink, appearing to read 'DAVID ALAN EZRA', written over a horizontal line.

DAVID ALAN EZRA  
UNITED STATES DISTRICT JUDGE

Robert Kahre vs. J. Gregory Damm, et al., Case No. 2:07-cv-00231-DAE-RJJ;  
ORDER DENYING PLAINTIFF'S EMERGENCY NOTICE AND MOTION FOR A  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY AND PERMANENT  
INJUNCTION AGAINST DEFENDANT J. GREGORY DAMM AND VINDICTIVE  
PROSECUTION OF SECOND SUPERSEDING INDICTMENTS IN CRIMINAL CASE NOS.  
CR-S-05-0120-RCJ-RJJ AND CR-S-05-0121-RCJ-RJJ